



**STATEMENT OF PROCEEDINGS
FOR THE LOS ANGELES COUNTY
SUPERVISORIAL DISTRICT BOUNDARY REVIEW
COMMITTEE
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 739
LOS ANGELES, CALIFORNIA 90012**

Wednesday, April 20, 2011

3:00 PM

ROLL CALL

Present: Chair Pedersen, Vice Chair Holoman, Commissioner Reyes, Commissioner Martinez, Commissioner Ollague, Commissioner Choi, Commissioner Escandon, Commissioner Harris, Commissioner Friedman, Commissioner Acebo, Commissioner Hollister, Commissioner Hatanaka, Commissioner Napolitano, Commissioner Hernandez, Commissioner Hoffenblum, Commissioner Sun, Commissioner Mejia and Commissioner Tse

Absent: Commissioner Andrade and Commissioner Flores

I. ADMINISTRATIVE MATTERS

1. Call to order and introduction by Chair Pedersen. (11-1904)

The meeting was called to order by Chair Pedersen at 3:10 p.m.

2. Approval of Minutes of March 30, 2011. (11-1905)

On motion of Commissioner Hoffenblum, seconded by Commissioner Reyes, this item was approved.

Attachments: [SUPPORTING DOCUMENT - Minutes](#)

3. Revision of locations for Boundary Review Committee meetings. (11-1906)

Martin Zimmerman noted, as a result of discussion on the difficulties of obtaining meeting rooms, the Chief Executive Office and the Executive Office were able to obtain the Board of Supervisors Hearing Room for today's meeting. Mr. Zimmerman outlined the upcoming Boundary Review Committee meetings. He observed that the Committee may wish to decide whether or not hold both the May 4 and May 18 meetings, or

perhaps determine the need for the May 18 meeting at the May 4 meeting based on activity and whether there are other pressing matters. If the May 18, 2011 meeting is held, it will likely be held in the Board of Supervisors Hearing Room. This will be confirmed at a later date.

Attachments: [SUPPORTING DOCUMENT - BRC Meeting Schedule](#)

II. REPORTS

4. Review and approval of Data Sets and Map Layers to be used for the 2011 Decennial Redistricting Software. (Continued from the meeting of March 30, 2011.) (11-1226)

Martin Zimmerman called attention to the two supporting documents attached to the Agenda that was distributed and available at the Committee information table. The first attachment is a revised Tab 7 which lists elections to be included in the data base. He noted that County Measures A and B from the 2002 General Election were added to Tab 7. The second attachment identifies the various other data sets (1-27) to be included in Redistricting Plan Reports, as well as reference layers that will be available as visual information for individuals preparing plans but will not be part of the standard reports that are produced for submitted plans. He also noted, as a result of a Commission request at the March 30, 2011 meeting, the 2009 special election results for the race between Judy Chu and Gil Cedillo were added to the reference layers.

Commissioner Ollague requested clarification on Item 5 of the data set. Commissioner Ollague suggested adding a category/data set for Language and a category/data set for Education.

John Hedderson, consultant, stated that estimates could be made of the population to show language isolation or language spoken at home. It was his recommendation that the American Community Survey Data (ACS) be used in ascertaining high school or higher degree attainment. The sample survey data was collected between 2005 and 2009, and therefore, will not precisely match the 2010 Census.

During discussion, Commissioner Ollague made a motion to include the categories of Language and Education to the data set. Martin Zimmerman requested clarification if her motion was to add Language and Education to the basic data set or as reference layers.

Mr. Hedderson added that in the Language category, the reference layer would include the percentage of persons who do not speak English very well within the household. Commissioner Ollague questioned if the survey captures other languages. Mr. Hedderson stated there are several other languages that can be captured.

After discussion, Commissioner Ollague revised her motion, seconded by Commissioner Reyes, to include the category of Language spoken at home (ability to speak English at home), Other Language spoken (most common language spoken at home) and Education at a high school level or equivalent as reference layers.

Frank Cheng added that the Redistricting Software is scheduled to launch Friday, April 23, 2011. They are working diligently with the software company on all last minute changes and configurations. If the reference layers requested today are available before Friday, then they will be included. Otherwise, they will be added when available as new reference layers. Martin Zimmerman did confirm that the basic data sets upon which the reports will be generated will be in the software on Friday.

Commissioner Holoman asked when would be the deadline for submittal of additional reference layers. Mr. Cheng stated all data associated with the software has to be submitted no later than 12:00 noon Thursday, April 22, 2011 for the vendor to deliver the information to their quality assurance group for final configuration. Mr. Zimmerman responded to Commissioner Holoman, stating that any new reference layers would need to be added at least a couple of weeks prior to the deadline for submission of plans, and even then it would only be up for several days.

Alan Clayton, a member of the public, addressed the Committee regarding the addition of poverty data. Mr. Clayton commented that he believed poverty data to be helpful in drawing plans. Commissioner Reyes agreed with Mr. Clayton and requested information on poverty.

Nancy Takade, County Counsel, requested the Committee move to reconsider the previous motion by Commissioner Ollague.

Mr. Zimmerman asked if household income was sufficient to obtain information about poverty. Mr. Hedderson answered that he considered household income to be different, noting however, that poverty can be

estimated in a similar fashion based on the number of people residing in each home. Poverty data can be estimated, but the information would not be available by Friday for the software launch, but could be added in later as a reference layer.

After further discussion, on motion of Commissioner Reyes, seconded by Commissioner Hatanaka, the prior motion by Commissioner Ollague was reconsidered by the Committee.

Therefore, on motion of Commissioner Reyes, seconded by Commissioner Holoman, the Committee approved the Data Sets and Reference Layers to be used for the 2011 Decennial Redistricting Software and included the following conditions in the Socio-Economic Data Analysis as reference layers:

1. Language spoken at home (ability to speak English at home);
2. Other Language spoken (most common language spoken at home);
3. Education at a high school level or equivalent; and
4. Poverty

Attachments: [SUPPORTING DOCUMENT - Report of Map Layers](#)
[SUPPORTING DOCUMENT - Tab 7 Revised to Include County](#)

5. Report on Status of Scheduled Community Meetings in each of the Supervisory Districts. (11-1911)

Martin Zimmerman noted that the supporting document attached to the Agenda is the current schedule for Community Meetings. There are still several Community meetings scheduled for the upcoming weeks.

Commissioner Hoffenblum asked why there was only one scheduled meeting for the 5th District when it is the largest (in terms of acreage) of all the Districts. Chair Pedersen stated these community meetings are requested by the Districts themselves and suggested Commissioner Hoffenblum check with the 5th District about having an additional meeting.

Commissioner Reyes gave a short overview of the community meeting held Tuesday, April 19, 2011 at the Covina Library for the 5th District in Covina. There were approximately eight to ten members of the community who attended. There were presentations given by County Counsel and the Chief Executive Office about the process and the legal aspects of the redistricting process. There was brief discussion with

community members on what issues were important to the community. Although he thought the overall presentation and discussion was good, he wanted to see at future meetings, more user friendly material and assistance with concepts without it relating to any one particular District. He encouraged the District offices to try to increase attendance at these upcoming community meetings to allow those who do not have access to e-mail or a computer on a regular basis, to obtain information and be heard regarding redistricting.

At the request of Commissioner Holoman, Frank Cheng, of the CEO, outlined the agenda for the first community meeting. There were introductions, followed by a discussion of the purpose and importance of the community meeting. There was also information on the differences between the State redistricting process and the County redistricting process. However after discussion, there were still some questions from community members regarding the redistricting process. This will be addressed at future community meetings. Information was provided on what redistricting entails, as well as the related process and public access components added by the Board, including Boundary Review Committee, the Redistricting website, Redistricting software, community meetings and training for the public.

Additional information was provided, including the timeline and important dates (e.g., deadline for submitting plans, schedule for plans to be discussed by the BRC and submitted to the Board of Supervisors [July 31, 2011], and reiteration of the different channels for participation by the public). Members of the public who wished to be placed on the BRC mailing list were asked to submit requests directly to staff or e-mail their request through the website.

Commissioner Ollague expressed concern regarding how the Committee was disseminating information to the public, including demographic information. She requested that more information in the form of attachments be included with the Community Meeting agendas, and whether these meetings should be televised or posted on the internet. She also requested that the presentations should be done via visual power-points at these meetings. She urged the Committee, CEO and County Counsel to look at these requests for future community meetings.

Chair Pedersen asked staff if information that is on the website can be made available at the meetings. Mr. Zimmerman addressed the Committee. As part of the central administrative staff, they strive to inform the public of the process, the importance of the process, how they can get involved, where the information is available (including demographic information), and noting that is all included on the Redistricting website. The purpose of the meetings is to obtain information as to what is of interest to the public and what they view as important. In addition, keeping information provided consistent at all these meetings will not give preference to one community over the other.

In response, Commissioner Martinez stated the Committee needs to understand its role as a representative of the Board of Supervisors. The community needs to understand its role and the importance of providing input and that they should be advised at the outset of the process. Commissioner Hatanaka and Hoffenblum also raised the issue of providing adequate information such as a PowerPoint presentation and visual aids on the redistricting process.

Commissioner Reyes stated televised or videotaped meetings should be considered as it will serve those Committee members and members of the public unable to attend meetings. Martin Zimmerman stated that if a District office holding a community meeting requests a televised meeting, central administrative staff will look into the logistics and potential cost of a televised meeting. Although this is not part of the Board approved Public Access Plan, it can be provided if the logistic and funding issues are worked out. Chair Pedersen, reiterated to Committee members that if a District office was interested and would like to consider and fund televised meetings, then it can be done. Commissioner Tse agreed and suggested other forms of communications aside from email and web-based methods. Chair Pedersen, added the 4th District and other districts utilize the information provided and upload it on their District websites.

Commissioner Holoman asked how information was captured at these community meetings and noted the State redistricting groups will be conducting meetings within the Los Angeles area the last week of April 2011. She will collect that information and make it available for staff and anyone who would like to attend those meetings. Mr. Zimmerman noted that all public input provided at the community meetings will be provided to the BRC.

Commissioner Hatanaka further commented that at the Community meeting in his district, he would like to have a Power-Point presentation prepared and available for the public. In addition, he would like maps to be provided as well, so the public can have visual information.

Frank Cheng commented that maps of the County and the district where the Community meeting is being held, are indeed being provided.

Commissioners Reyes and Hoffenblum asked whether the public was being told at these meetings certain aspects affecting their district in this redistricting process. Chair Pederson responded that it was important for each Supervisory District Office to take it upon themselves to inform the public in their respective districts what can and should be done as part of this year's redistricting process, and what should be considered. Chair Pederson urged the District offices and respective commissioners to be more proactive.

A member of the public, Margo Reeg of the League of Women Voters, commented that they are monitoring the State and County redistricting processes. While they will not be drawing and submitting maps, they are working to make information available to the public and to communities of interest. She agreed with the use of Power-Points at Community meetings, and advised that the State was providing demographic information and data related to poverty, race, voting age population, poverty and education levels. She further commented that it was a lot to ask of the public to go home and check the Census Bureau website to get the information they need to figure out the redistricting process. Martin Zimmerman clarified that the public is not being directed to the Census Bureau website, which can be difficult to navigate, but to the County's Redistricting website.

Commissioner Ollague again requested that demographic information be made available, in the form of population of the cities, population of unincorporated areas, etc. Commissioner Reyes suggested that the redistricting software be available at the meetings and information may be derived from the software based on questions from the public, and provided at the Community meetings. Frank Cheng commented that it may be possible to do that, but it will depend on wireless access and whether the wireless card works at the various facilities.

Another member of the public, Marge Nichols of the League of Women Voters, commented that it was very technical and difficult to suggest that members of the public access the web for information they needed.

She further commented that District 5 should have more community meetings.

Commissioner Choi asked whether input received at the State redistricting public hearings may be useful at the County redistricting level, especially as to public input regarding communities of interest. The community of interest testimony may be relevant to the County. He further inquired whether there were any legal restrictions against the County's consideration of community input at the State redistricting level regarding communities of interest.

Nancy Takade of County Counsel responded that there were no such legal restrictions.

Attachments: [SUPPORTING DOCUMENT - Community Meeting Flyer Schedule of](#)

6. Report on the following issues as requested at the meeting of March 30, 2011:
- a. Media distribution and mailing list maintained by County
 - b. Redistricting software issues
 - 1. Standard test/ability to override, and
 - 2. Sharing feature
 - c. Release of special election data
 - d. Notation on website regarding when information will be available to the public (11-1913)

Mr. Zimmerman provided an overview of the media distribution that includes all the different newspapers, radio stations and television stations that receive the notices, press releases, and the mailing list of constituents, organizations, and other entities receiving notices of the Committee's activities including the 88 cities of Los Angeles County, the City Neighborhood Councils, and Congressional and State Delegation. Commissioner Holoman stated that she will be sending additional groups to be added to the list for distribution.

Mr. Cheng, addressed the two agenda items regarding the redistricting software. He reviewed the five tests that are available in the software that can be conducted prior to submitting a plan. Passing the tests is not necessary in order to submit a plan.

1. **Dual Assignment Check – Verify the geography is assigned to only one District.**
2. **Population Summary Check – Verify the District Population matches the Plan geography population proposed.**
3. **District Count Assignment Check – Verify each District has at least one geography assigned to it.**
4. **Null Assignment Check – Verify that there is no unassigned geography within the plan.**
5. **Connectivity Check – Verify parts of a District are connected (with the exception of Santa Catalina Island and San Clemente Island).**

Additionally, he commented that the sharing feature in the software has been modified to allow individual searches on a shared plan only if the user can provide the other person's full user name. This addresses any privacy issues regarding those developing plans.

David Ely, consultant, stated the reference layers regarding special elections are available. Mr. Zimmerman added that reference layers can be included if given a reasonable timeframe. He concluded by noting any information that is available is being made clear on the website as well as the County website.

Alan Clayton, a member of the public, inquired as to who can be contacted if members of the public have questions regarding the website software, who can handle technical questions and what is a reasonable amount of time to respond to questions? Mr. Zimmerman and Mr. Cheng referenced the online technical assistance offered by the software vendor.

Commissioner Holoman inquired about members of the public contacting Staff, perhaps as part of an "open house," to respond to questions. Chair Pedersen offered after all the training sessions, have a timeframe for staff to be available to answer questions regarding the software. Staff will report back on this feasibility.

After further discussion, the report was received and filed.

Attachments: [SUPPORTING DOCUMENT - Distribution List](#)
 [SUPPORTING DOCUMENT - Newspapers](#)

III. PRESENTATIONS

7. Introduction of Outside Legal Counsel, overview of the role of the outside counsel, and discussion of legal developments in redistricting law following the County's Supervisory Redistricting in 2001. (11-1914)

Nancy Takade introduced Laura Brill, partner of Kendall Brill & Klieger, who discussed her role as outside counsel and the recent developments on the redistricting laws on Population Deviation and Section 2, the Voting Rights Act to ensure compliance.

Ms. Takade also announced that the Committee will benefit from the additional assistance of Jonathan Steinberg of Irell & Manella, who will provide additional support as needed.

Ms. Brill discussed that she represented the County as a whole, and if any members of the Committee had any questions for her, to facilitate the process, the questions should be sent to Chair Pederson and will come to her through County Counsel.

Ms. Brill then began her more detailed discussion of recent and relevant case law. She first discussed *Larios v. Cox*, a district court case that was summarily affirmed unanimously by the U.S. Supreme Court. The *Larios* case confirmed that there was no safe harbor provision for population deviation. In *Larios*, the Court found that a population deviation of 9.98% was deemed unacceptable, given that the factual evidence indicated that the lines were drawn to help one political party over another, and the deviations were not explained by more traditional redistricting principles. Following *Larios*, no one should rely on an assumed safe harbor provision for population deviation, and if deviations do exist, you need to have a rational basis for it.

She then discussed *Bartlett v. Strickland*. This case focused on whether a state was obligated to create majority-minority districts, and looked at cross-over majority districts. The U.S. Supreme Court ruled that there was no such obligation under the Voting Rights Act, and a party wanting to show a violation under Section 2 would have to show that the minority group is 50% or more of a district-size population.

The following questions were addressed by Laura Brill and Nancy Takade:

1. In terms of *Larios*, what are acceptable factors that can serve as a basis for deviation?

The Court noted that the factors found acceptable for supporting deviation included state law requirements, keeping city and political boundary cores intact, avoiding elections that put incumbents against each other, and Voting Rights Act compliance. There are various redistricting criteria and all of the totality of the factors/circumstances needs to be looked at.

2. How much latitude can be used to stay within Section 2 Compliance?

The main point of the compliance is to not consider Race as a sole factor.

3. Should other factors be looked at when conducting analysis of the various redistrict plans?

Some of these other factors are only in the Reference Layers, and not in the base data set. Nancy Takade commented that while there will be a statistical tabular report that accompanies every redistrict plan analysis, there will also be a written report that will allow for narrative descriptions and analysis of plans that can be used as a tool for the Committee. The written report can include information regarding high school education, language, poverty levels, etc., and could contain supplemental information the proposed redistricting plans.

4. What is the extent of any analysis provided by Outside Counsel of proposed redistricting plans?

Outside Counsel will work with the County Counsel to provide a sufficient and adequate analysis.

After discussion, at the request of Commissioner Reyes, staff will report back on the feasibility of incorporation as supplemental evidence to their analysis such as a reference layer.

Commissioner Friedman also suggested that County Counsel discuss with Outside Counsel Brill the developments of BRC meetings so that Ms. Brill would remain informed of what issues arose from the meetings.

Alan Clayton, addressed the Committee on different court cases and how some were overturned and the issue of "Cracking and Packing."

IV. MISCELLANEOUS

Matters Not Posted

- 8.** Matters not on the posted agenda, to be discussed and (if requested) placed on the agenda for action at a future meeting of the Committee, or matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda. (11-1901)

No matters were placed on the agenda for action at a future meeting of the Committee.

Public Comment

- 9.** Opportunity for members of the public to address the Committee on items of interest that are within the jurisdiction of the Committee. (11-1902)

Alan Clayton, commented that, when drawing boundaries, look at poverty, geography, regional issues (coast, mountains) as well as population. Look at what is reasonable.

Adjournment

- 10.** Adjournment for the meeting of April 20, 2011. (11-1903)

The meeting was adjourned at 5:19 p.m.